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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
(Case No. 1705)

In the Application of:

Manish Mangal, et al.

Serial No.: 09/993,213

Filing Date: November 16, 2001

For: Method and System for Multicasting  
Messages to Select Mobile Recipients

Examiner: Unassigned

Group Art Unit: 2661

Confirmation No.: 8082

**Mail Stop Petition**

Commissioner for Patents

P.O. Box 1450

Alexandria, Virginia 22313-1450

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MAY 14 2003

OFFICE OF PETITIONS

Repln. Ref: 06/01/2004 CXHLOK 0009510700  
DAB:132490 Name/Number:09993213  
FC: 9204 \$1300.00 CR

**PETITION TO REVIVE  
UNDER 37 C.F.R. § 1.137(b)**

Dear Sir:

Applicant has not received a Notice of Abandonment from the Office and believes that he has fully complied with the Rules and Regulations of the Office. However, pursuant to the prepublication notice entitled "Reminder that Rescission of a Nonpublication Request is Not Itself a Notice of Foreign Filing" posted on the Patent Office Web site on April 16, 2003, it appears that the above-captioned application may be deemed abandoned if this prepublication notice is given retroactive effect by the Office. Therefore, out of an abundance of caution, Applicant submits this petition to revive in case the application is deemed to have been abandoned under 37 C.F.R. § 1.213(c).

Pursuant to 37 C.F.R. § 1.213(a), Applicant submitted a request for nonpublication with this application upon filing.

05/14/2003 AWONDAF1 00000038 09993213

01 FC:1453

1300.00 OP

Adjustment date: 06/01/2004 CXHLOK  
05/14/2003 AWONDAF1 00000038 09993213  
01 FC:1453 -1300.00 OP

Applicant subsequently filed a corresponding international application with the U.S. Patent and Trademark Office as PCT Receiving Office, which is identified on the Notice attached hereto at Tab A. Within 45 days of the international filing, Applicant filed a Request to Rescind Previous Nonpublication, a copy of which is submitted herewith at Tab B.

Applicant believes that its filing of the Request to Rescind Previous Nonpublication within 45 days of the international filing constituted full compliance with 37 C.F.R. § 1.213(c), based on the note in Form PTO/SB/36 (10-01 version) explaining generally that "filing this rescission of a previous nonpublication request is considered the notice of a subsequent foreign or international filing required by 35 USC 122(b)(2)(B)(iii)." However, the April 16, 2003, prepublication notice now suggests that the Patent Office might not consider a Request to Rescind, in and of itself, to constitute sufficient notice of foreign or international filing.

In addition, Applicant believes that the act of filing the international application with the U.S. Patent and Trademark Office as PCT Receiving Office constituted notice to the U.S. Patent and Trademark Office of the international filing, as required by 37 C.F.R. § 1.213(c). Moreover, within 45 days after that international filing, the Office received an actual copy of the international application, as indicated by the "Notification of Status of Requirements Under 35 U.S.C. 371" attached hereto at Tab C, constituting further notice to the Office of the international filing.

If the Office considers this application to be abandoned, then Applicant hereby requests revival of the application. Applicant hereby states that the entire delay in

notifying the Office as in the Notice at Tab A of the international filing until the filing of this petition was unintentional.

If the Office does not consider this application to be abandoned, then Applicant requests refund of the enclosed petition fee. Further, even if the Office considers this application to be abandoned, Applicant respectfully requests the Office to waive and refund the enclosed petition fee due to the ambiguity in Form PTO/SB/36 (10-01).


Respectfully submitted,

**MCDONNELL BOEHNEN  
HULBERT & BERGHOFF**

Date:

5/8/03

By:

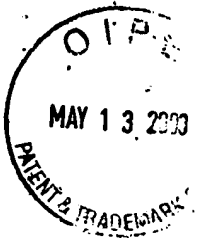


Lawrence H. Aaronson  
Reg. No. 35,818

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**SUPPLEMENTAL NOTICE OF  
FOREIGN OR INTERNATIONAL FILING**

Applicant filed International Patent Application No. PCT/US02/30131 on September 19, 2002.

If any further notice of foreign or international filing is or will be required by 35 U.S.C. § 122(b)(2)(B)(iii) and 37 C.F.R. § 1.213(C), Applicant hereby provides such notice.

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**MAY 14 2003**

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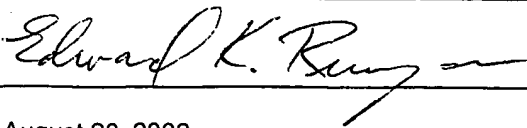


**REQUEST TO RESCIND PREVIOUS  
NONPUBLICATION REQUEST  
35 U.S.C. 122(b)(2)(B)(ii)**

Application Number	09/993,213
Filing Date	November 16, 2001
First Named Inventor	Manish Mangal
Title	Method and System for Multicasting Messages to Select Mobile Recipients
Attorney Docket Number	Sprint 1705; MBHB 01-837

I hereby **rescind** the previous request that the above-identified application not be published under 35 U.S.C. 122(b).

Applicants therefore wish that the application be published promptly after the expiration of 18 months from the earliest filing date of the present application for which a benefit is sought under Title 35, U.S.C.

Name	<b>McDonnell Boehnen Hulbert &amp; Berghoff</b>
Address	32 <sup>nd</sup> Floor, 300 South Wacker Drive
City, State, Zip	Chicago, Illinois 60606
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED	
Name Reg. No.	Edward K. Runyan 43,067
Signature	
Date	August 20, 2002



<b>TO:</b> EDWARD K. RUNYAN MCDONNELL BOEHNEN HULBERT & BERGHOF 300 SOUTH WACKER DRIVE SUITE 3200 CHICAGO, ILLINOIS 60606	<b>UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)</b>
	<b>NOTIFICATION OF STATUS OF REQUIREMENTS UNDER 35 U.S.C. 371</b>
	DATE OF MAILING (day/month/year) 04 Oct 2002
FILE REFERENCE 01837-A	

IDENTIFICATION OF INTERNATIONAL APPLICATION		
International application No. PCT/US02/30131	International filing date (day/month/year) 19 Sep 2002	Priority Date Claimed 16 Nov 2001
Applicant for DO/EO/US MANGAL, MANISH		

NOTIFICATION	
The applicant is hereby advised that the U.S. Patent and Trademark Office in its capacity as <input checked="" type="checkbox"/> Designated Office <input type="checkbox"/> Elected Office has received following items as of the date of mailing indicated above.	
<div>1. <input type="checkbox"/> U.S. Nation fee [35 U.S.C 371 (c) (1)]</div> <div>2. <input type="checkbox"/> Oath of declaration [35 U.S.C 371 (c) (4)]</div> <div>3. <input checked="" type="checkbox"/> Copy of International application as [35 U.S.C 371 (c) (2)]</div> <div>4. <input type="checkbox"/> Translation of Application [35 U.S.C 371 (c) (2)]</div> <div>5. <input type="checkbox"/> Amendments under PCT Article 19 [35 U.S.C 371 (c) (3)]</div> <div>6. <input type="checkbox"/> Translation of PCT Article 19 Amendments [35 U.S.C 371 (c) (3)]</div> <div>7. <input type="checkbox"/> Search Report or Declaration under PCT Article 17(2) [35 U.S.C 371 (a)]</div> <div>8. <input type="checkbox"/> International Preliminary Examination Report and its Annexes, if any, under PCT Article 36(3)(b) [35 U.S.C 371 (a)]</div> <div>9. <input type="checkbox"/> Translation of Annexes to the International Preliminary Examination Report under PCT Article 36(3)(b) [35 U.S.C 371 (c) (5)]</div> <div>10. <input type="checkbox"/> Other items received: <div><input type="checkbox"/> Assignment Document <input type="checkbox"/> Prior Art Statement <input type="checkbox"/> Preliminary Amendment</div></div> <div>A. <input type="checkbox"/> Requirements for U.S. National processing have been met. Processing will commence <div><input type="checkbox"/> at the expiration of the applicable time limit under either <div><input type="checkbox"/> PCT Article 22 [35 U.S.C 371 (b)] or <input type="checkbox"/> PCT Article 39 [35 U.S.C 371 (b)]</div><input type="checkbox"/> on the date indicated below under the provisions of 35 U.S.C 371 (f)</div></div>	
U.S. NATIONAL SERIAL#	DATE UNDER 35 U.S.C. 102(e)
DATE OF COMMENCEMENT OF NATIONAL PROCESSING	
All correspondence submitted after the date of commencement of U.S. National processing indicated above should refer to the U.S. National Serial Number and the appropriate U.S. National processing organization of Officer.	
B. <input type="checkbox"/> As the above identified application has been accepted for U.S. National processing under the provision of 35 U.S.C. 371 (f) before expiration of the applicable time limit under <input type="checkbox"/> PCT Article 22 <input type="checkbox"/> PCT Article 39, applicant is reminded that <div><input type="checkbox"/> Amendments under PCT Article 19 and/or <input type="checkbox"/> the International Preliminary Examination Report and its Annexes, if any, under PCT Article 36(3)(a), and (b) and any translation thereof, if applicable, must be submitted to the Patent and Trademark Office as soon as they are available.</div>	

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OFFICE OF PETITIONS

International application No. PCT/US02/30131	International filing date 19 Sep 2002	Priority Date Claimed 16 Nov 2001
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C. ☒ In order that U.S. National processing may begin, certain items must be received by the DO/EO/US by the expiration of applicable time limit under

☒ PCT Article 22 or

☒ PCT Article 39.

Specifically:

- ☒ 1. U.S. National Fee
- ☒ 2. Oath or Declaration
- ☐ 3. Copy of Application
- ☐ 4. Translation of application
- ☒ 5. Amendments under PCT Article 19, if any
- ☐ 6. Translation of PCT Article 19 Amendments, if applicable
- ☐ 7. Search Report or PCT Article 17(2) declaration
- ☐ 8. International Preliminary Examination Report and its Annexes, if any, under PCT Article 36(3)(a), if applicable
- ☐ 9. Translation of Annexes to the International Preliminary Examination Report under PCT Article 36(3)(b), if applicable

**THE ABOVE CHECK ITEMS MUST BE TIMELY RECEIVED TO AVOID ABANDONMENT OF THE APPLICATION.**  
[35. U.S.C. 371(d)]

D. Further information for the applicant:

**This is only a reminder.**

**UNITED STATES DESIGNATED/ELECTED OFFICE**

Address Only:

Assistant Commissioner for Patent, Box PCT  
Washington, D.C. 20231 Attn:RO/US

Authorized Officer

BARBARA FRIDIE  
703-3053747







IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
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Group Art Unit: 2661

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

**TRANSMITTAL LETTER**

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Sir:

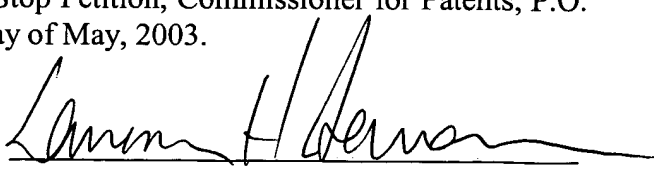
MAY 14 2003

In regard to the above identified application:

OFFICE OF PETITIONS

1. We are transmitting herewith the attached:
  - A. Petition to Revive Under 37 C.F.R. § 1.137(b);
  - B. Tabs A-C; and
  - C. Return Receipt Postcard.
2. With respect to additional fees, attached is a check in the amount of \$1300.00 to cover the petition fee for an unintentionally abandoned application.
3. Please charge any additional fees or credit overpayment to Deposit Account No. 13-2490. A duplicate copy of this sheet is enclosed.
4. CERTIFICATE OF MAILING UNDER 37 CFR § 1.8: The undersigned also hereby certifies that this Transmittal Letter and the paper, as described in paragraph 1 hereinabove, are being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313 on this 8<sup>th</sup> day of May, 2003.

By:

  
Lawrence H. Aaronson  
Reg. No. 35,818



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By:

Lawrence H. Aaronson

Reg. No. 35,818